

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

DEBBIE M. PALMER, D. O. FAOCD and
SERGIO A. BIAGIONI,

Plaintiff(s)

- against -

PARAMJIT SINGH, HAROON SHARIF, and
RYAN WEISKOPF,

Defendant(s)

ANSWER WITH
CROSS-CLAIM

Docket #: 1:16-cv-04819

Defendant(s) Ryan Weiskopf, by the undersigned answering the VERIFIED complaint of the plaintiff(s), upon information and belief, states as follows:

PARTIES:

FIRST: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: **1, 2, 3, 4**

SECOND: Admits each and every allegation contained in paragraphs numbered and designated as: **5**

JURISDICTION:

THIRD: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: **6, 7, 8**

FACTS:

FOURTH: Denies each and every allegation contained in paragraphs numbered and designated as: **9**

COUNT 1 – NEGLIGENCE

FIFTH: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: **10a, 10b, 10c, 10d, 10e, 10f, 10g**

SIXTH: Denies each and every allegation contained in paragraphs numbered and designated as: **11**

COUNT 2 –LOSS OF CONSORTIUM

SEVENTH: Denies each and every allegation contained in paragraphs numbered and designated as: 12

DAMAGES:

EIGHTH: Denies each and every allegation contained in paragraphs numbered and designated as: 13a, 13b, 13c, 13d, 13e, 13f, 13g, 13h, 13i, 14a, 14b, 14c, 14d, 14e, 14f, 14g, 14h, 14i, 15a, 15b, 15c, 15d

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The personal injuries and/or property damage alleged to have been sustained by the plaintiff(s) were caused entirely or in part through the culpable conduct attributable to the plaintiff(s) and the defendant seeks a dismissal or reduction in any recovery had by the plaintiff in the proportion which the culpable conduct attributable to the plaintiff(s) bears to the culpable conduct which caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Upon information and belief, service of process was not in conformity with the F.R.C.P., therefore the Court did not have jurisdiction over the person of the defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

That the plaintiff(s)' damages must be mitigated by the plaintiff(s)' violation of Section 1229(c) of the Vehicle and Traffic Law in the plaintiff(s) did not use the seat belts or infant restraining devices and that the damages claimed to have been sustained were caused by the lack of use of said seat belts and/or infant restraining devices.

AS AND FOR A CROSS CLAIM AGAINST THE CO-DEFENDANT(S), PARAMJIT SINGH AND HAROON SHARIF, IT IS ALLEGED:

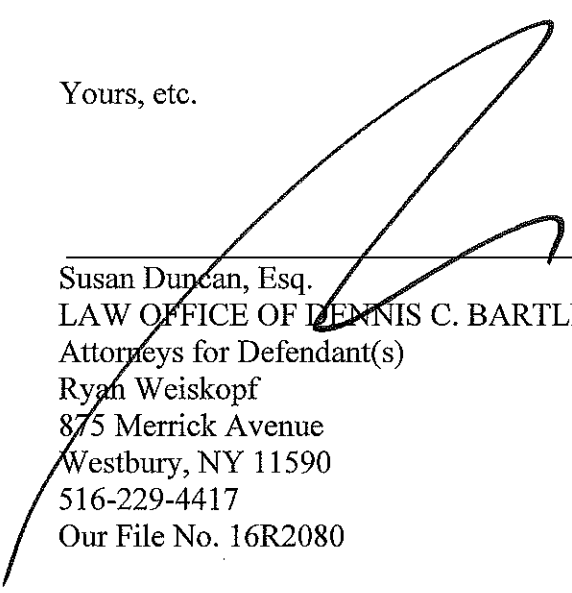
That if the plaintiff(s) Sergio Biagioni and Debbie Palmer, recover herein, it will be by virtue of the recklessness, carelessness and negligence of the co-defendant(s), above named, and not of the defendant(s) Ryan Weiskopf, and that this answering defendant(s) Ryan Weiskopf, demands judgment for contribution and/or indemnification in whole or in part and that the respective degrees of negligence of the co-defendant(s) , be ascertained, determined and adjudicated and that the defendant(s) Ryan Weiskopf, have judgment over and against the above-named co-defendant(s) , as their proportionate share commensurate with their respective degrees of negligence as will be decided on at the trial herein.

WHEREFORE, the defendant(s) Ryan Weiskopf, demands judgment dismissing the plaintiff(s) Sergio Biagioni and Debbie Palmer , Complaint or in the alternative, that this answering defendant(s) Ryan Weiskopf , have judgment for contribution and/or indemnification in whole or in part over and against the co-defendant(s) , above named, to the degree and proportionate share of the plaintiff(s), Sergio Biagioni D. Faocd Debbie Palmer recovery as to

their respective degrees of negligence as determined herein, with costs and disbursements of this action.

DATED: Westbury, New York
November 9, 2016

Yours, etc.



Susan Duncan, Esq.
LAW OFFICE OF DENNIS C. BARTLING
Attorneys for Defendant(s)
Ryan Weiskopf
875 Merrick Avenue
Westbury, NY 11590
516-229-4417
Our File No. 16R2080

TO:

Brand, Glick & Brand, Esqs.
Attorneys for Plaintiffs
660 Old Country Road, Suite 440
Garden City, NY 11530

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